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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,601	09/18/2000	Jim B. Estipona	INTL-0450-US(P9561)	4352
21906	7590	07/26/2006	EXAMINER	
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			HUYNH, SON P	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/663,601

Applicant(s)

ESTIPONA, JIM B.

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,10,13,15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,10,13,15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed May 9, 2006 have been fully considered but they are not persuasive.

Applicant argues nothing in the ATVEF specification teaches a transmission of a real time event that could warn the user that the end of program is approaching (pages 5-6).

In response, this argument is respectfully traversed. ATVEF discloses using trigger arrival as a signal to **notify users** of enhanced content availability (page 6, section 1.1.5). ATVEF further discloses near the end of their program, they (content creator) might send the trigger to tell their interactive application to shut down... (page 33, last paragraph) and content creators may wish collaborate with the producers to of subsequence programs or commercials to build a single enhancement that spans multiple video segments and may provide some enhanced user experience. When the time period specified by the announcement is over, clients may automatically end the enhancement or allow the user to continue viewing the enhancement over potentially unrelated video...if the user has interacted with the enhancement (page 28, paragraphs 1-3). Thus, a real time event (real time trigger) that warns/notify the user that the end of a program is approaching (i.e. trigger transmitted near the end of the program) must be transmitted to enable the user to elect/interact/confirm/choice "to continue viewing the

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enhancement over potential unrelated video after the end of the related program.” If the real time event (real time trigger) is not transmitted at the end of the program that warns/notify the user that the end of a program is approaching, the user is not able to choose/confirm/interact with the enhancement to continue viewing the enhancement over potentially unrelated video.

For the reason given above, the rejections on claims 1, 4-7, 10, 13, 15, 17-19 are analyzed as discussed below.

Claims 2-3, 8-9, 11-12, 14, 16, 20-30 have been canceled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 4-7, 10, 13, 15 and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 1, 10, 17 and 18 recite the limitation "the program" in lines 3,4,8 (claim 1), lines 5,6,9 (claim 10), line 9 (claim 17), line 2 (claim 18). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-7, 10, 13, 15, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Advance Television Enhance Forum Specification (ATVEF).

Regarding claim 1, ATVEF teaches a method comprising:

transmitting an enhanced television program and a real time event/trigger (page 1, Abstract, lines 1-5, page 6, section 1.1.5, paragraphs 1-2, page 12, section 2.3); and automatically transitioning display of the program to full screen at the end of the program in response to the real time event/trigger (i.e. via trigger scripts, "tv:") – see including, but not limited to, page 6, section 1.1.5 and section 2.3, paragraph 3, page 27, paragraph 6, bridge paragraph of page 27 and page 28). Since the enhancement is

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“shut down” (bridge paragraph of page 27 and page 28), accessing enhancement is prevent.

ATVEF further discloses using trigger arrival as a signal to **notify users** of enhanced content availability. The real time event (triggers) **include a human-readable name** (page 6, section 1.1.5), the user is watching the enhancement and video at the client (see including, but is not limited to, page 6, section 1.1.5, page 27, paragraphs 1,3, 5, page 28, paragraph 3); and near the end of the program, the triggers is transmitted to the client to tell the application/client to shut down the enhancement at the end of the related video content (bridge paragraph between page 27 and 28, page 33, last paragraph); a real time event (trigger) is inherently transmitted that warn/notify the user (user at the client who is currently watching video and enhancement) the end of a program is approaching so the user could recognize and confirm/ choice/ interact to whether replace new page/terminate or continue viewing the currently enhancement over potentially unrelated video.

ATVEF further discloses, in alternative embodiment, the client may decide whether to replace the new page with new enhancement/end the currently enhancement or to retain the currently page/continue viewing the enhancement over potentially unrelated video, according to **user confirmation, user choice, user interface permits, or user interact with the enhancement** (see page 6, section 1.1.5, page 27, paragraph 1, lines 1-2, paragraph 3, lines 1-2, paragraph 5, page 27, paragraphs 1-3). By doing so, the system inherently enable the user to elect (to confirm, to choice, to interact) to retain enhancement (continue viewing the current

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enhancement) after receiving the real time event warning (trigger) of the end of the program.

Regarding claim 4, ATVEF further teaches transmitting the real time event through an Internet Protocol multicast (page 12, lines 16-18; page 13, section 3.1, page 16, section 3.1.2).

Regarding claim 5, ATVEF further teaches transmitting a real time event including transmitting a trigger (page 6, section 1.1.5, page 16, section 3.1.2).

Regarding claim 6, ATVEF further teaches transmitting a trigger includes transmitting a trigger with a Uniform Resource Locator (page 6, section 1.1.5, page 16, section 3.1.2).

Regarding claim 7, ATVEF further transmitting a Uniform Resource Locator includes transmitting a Uniform Resource Locator using the tv: protocol (page 5, section 1.1.3, page 17, Appendix A, lines 1-3; page 18, item 5).

Regarding claim 10, the limitations of the article correspond to the limitations of the method as claimed in claim 1. ATVEF further discloses the receiver comprises software used to perform the instructions (page 3, paragraphs 4-5). Thus, rejection of claim 10 is analyzed as discussed in the rejection of claim 1.

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Regarding claim 13, the limitations of an article as claimed correspond to the limitations of the method as discussed in the rejection of claim 5, and are analyzed as discussed with respect to the rejection of claim 5.

Regarding claim 15, the limitations of the article as claimed correspond to the limitations of the method as claimed in claims 6, 7, and are analyzed as discussed with respect to the rejection of claims 6 and 7.

Regarding claim 17, the limitations of the system as claimed correspond to the limitations of the method as claimed in claim 1, and are analyzed as discussed in the rejection of claim 1, wherein the claimed storage is met by the memory at the receiver and the processor is met by the processor/CPU that control operation of the receiver (page 3, paragraph 4, page 9, section 1.1.7, page 11, section 2.2).

Regarding claims 18-19, the limitations of the system as claimed correspond to the limitations of the article as claimed in claims 13, 15, and are analyzed as discussed with respect to the rejection of claims 13, 15.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mankovitz (US 5,559,550) discloses indicating the end of a program (col. 13, line 53-col. 14, line 18).

Del Sesto et al. (US 7,069,571) discloses automated retirement of interactive applications using retirement instructions for events and program states.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

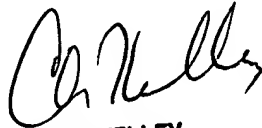
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

July 19, 2006


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
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